

To the Reader.
Remonstrance

**OF
The Lords and
COMMONS**

Assembled in PARLIAMENT.

OR,
*The Reply of both Houses, to a Printed
Booke under His Majesties name, called
His Majesties Answer to the printed Booke En-
titled, A Remonstrance, or the Declaration of the
Lords and Commons now assembled in Parliament the 26 of May 1643.
in answer to a Declaration under His Majesties name
concerning the businesse of Hull.*

November 2. 1642.

O*rdere***d by the Lords and commons assembled in parliament, that this Remon-**
strance be forthwith printed and published.

LONDON,

Printed for R. B. and R. L. 1643.

To the Reader.

YOU will wonder (it may be) that this reply to the Declaration under his Majesties name, intituled, *An Answer to the Declaration or Remonstrance of the Lords and Commons in Parliament of the 26. of May, 1642.* comes forth no sooner, and yet comes forth now so long after the said answer; That it comes forth no sooner, is not for that it is was no sooner ready, but having passed the House of Commons divers Moneths since, the waighty and urgent affaires of the Kingdome did not afford an opportunity for reading of in the Lords House before. That it comes forth now, is to free as well both Houses of Parliament from those calumnies, scandals, and false imputations, which by the contriver of the Answer are cast upon them, as to vindicate the Parliaments just priviledges, and the Kingdomes Rights, and Liberties, all which you will find so clearly done in the ensuing Treatise, as I doubt not but will give ample satisfaction to every impartiall Reader.

A Declaration of the Lords and Commons assembled in Parliament.



VHOsoever looks over the late Declaration under his Majesties name, carrying the tittle of an Answer to our Remonstrance concerning the businesse of Hull, will find that it is as farre from being an answer thereunto, as it is full of groundlesse and unheard offscandalls and imputations upon both Houses of Parliament, which wee hold as necessary to wipe off from us, as wee should otherwise have thought it needlesse to have made any reply; And because the nature and language of that Declaration is such and so full of scandall to both Houses of Parliament; Wee are contrained to shape our Answer more proportionably to the true Authors and framers of that Declaration than to the name it beareth, and as his Majesty cannot be imagined to be the framer and Penner of Declarations of that length and nature, so wee professe from our hearts that wee would be understood onely to speake of the Contrivers and Penners of that Declaration, and of the evil Counsellours about his Majestie so often as wee mention any of their wicked designs against this and all Parliaments, and in them against our Religion, Lawes, and Liberties, and their odious and most unjust slanders and calumnies upon the Parliament, which wee will take in order as they are layd against us, in that Declaration.

The first that is raised upon us is, *That wee promise much to his Majesty and performe little; say wee will make him great, honourable, and rich, and doe the contrary.* This is a scandall that hath bene often cast upon the Parliament, and as often answered. Wee have wholly in a manner supported his Majesties public charges both by Sea and Land, both in England and Ireland, and have borne also a great proportion of his private expences out of the public stocke, and all this while wee have not diminished one penny of his just Revenue, which either his Majesty or any to his Ancestors could justly claime, but the evil Counsellours about his Majesty have bene the true cause that wee have not bene able to compasse in that measure that we desire, our earnest and most sincere endeavour and intentions of honour, grace, and glory, and the safety, and

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furable to our expressions, And wee cannot expect till the dross be removed from the Silver, and the wicked from about the Throne, that it will ever shine in its proper and native lustre, which shall alwayes be our hearty prayer, and earnest endeavour that it may. In like manner for the *plaine English*, wherein we are said to tell the King. That wee can doe him no wrong, because he is not capable of receiving any, and that we have taken nothing from him, because he never had any thing of his own to loose; In what part of that Declaration in this told the King in plaine English or by any good inference, unlesse it must needs follow, that because the King hath not a right of property in the Townes, Ports, Subjects, publick Treasure and Offices of the Kingdome, nor in the Kingdome it selfe, to dispose of at his pleasure and for his owne private advantage, but onely a trust for the common good of himselfe and his subjects (as it is most cleare he hath them no otherwise) that therefore he cannot have a property in any of his Lands or Goods as subjects have in theirs, and yet it is a truth that the more publicke any person is, the more interest the publick hath even in those things that belong to him as a private man, in which regard the King hath not the like liberty in disposing of his owne person, or of the persons of his Children (in respect of the interest the Kingdome hath in them) as a private man may have.

The truth of that Digression (whereof there was no occasion given in our Declaration) concerning words supposed to be spoken (which in truth were not) by some Gentlemen, and by the Contrivers and panners of that Declaration, insinuated to have beene allowed by either House of Parliament, had been more seasonably examined by his Majestie (if hee would have taken notice at all of any thing spoken in Parliament before hee had suffered it to be published under his name and we might justly complaine of a most high and cleare breach of priviledge of Parliament therein well known, and often remonstrated unto his Majestie himselfe, that his Majestie should take notice of any thing spoken in Parliament, and not so onely, but also threaten a further examination, and enquire into it, after satisfaction or censure given thereupon by that House wherein it was spoken, and out of the walls whereof it cannot be judged without their consent. But sure we have forfeited all freedome and priviledge of Parliament (for of late none will be afforded us) and why; We are no Parliament, it is arrogancy in the two Houses of Parliament, to call themselves the Parliament, and in the Major part of both Houses, to call themselves both Houses. And why must the two Houses relinquish the tittle of the Parliament as aunciently belonging to them, as the King and his Parliament had a being, and as usually so taken in Statutes, and in common speech as the King and his Counsell. And the King himselfe till very lately hath continually so used it in his Messages and Declarations, but now since it was resolved to use such language to both Houses as to tearm them *Hypocrites and a faction of Schismaticall Malignant and ambitious Persons* and the like, that is applied in that, and the late Declaration unto them, and since there was an intention to follow such words, which no English ear could ever endure to heare of a Parliament, with such Indignities and acts of violence and force, as no English heart could ever suffer should be offered to a Parliament, it was thought fit to dissolve the name of Parliament, before they destroy the being of it: And why must not the Major part of both Houses present (according to the constant practise of all times) be the two Houses of Parliament and how are both Houses of Parliament become a Faction, a thing never heard of before, and not easie to understand how it can be, and why a Faction? Because they will not doe, or leave undone whatsoever those new comptrolers of a Parliament, the Malignant party about his Majestie suggest to the King as fit to be done, or not to be done, and that is according to, or contrary unto his prerogative; who doth not see that this new Doctrine must needs call in question and put all Laws made or to be made (either for the advantage of King or people) into an unavoydable and irremediable uncertainty, if the Major part of both Houses present, shall not be esteemed both Houses; And if both

houses shall at the pleasure of the Prince be called and accounted a Faction. But this Malignant Faction the two Houses of Parliament have, and alwayes had a desigee to alier the whole frame of Government both of Church and State. How doth that appeare, and out of what evidence doth it arise? A full narration of that shall be made hereafter: What iustice, what conscience is there in that, to defame in so high a degreet (as a higher cannot bee imagined) not private persons, but a Parliament throughout the whole Kingdome, upon a narration to be made hereafter which they hope will be satisfactory. And when shall this narration bee made? when they have force enough to make men see cause to judge it satisfactory; Or if that faile, they may happily see as good cause to relinquish the accusation as they first saw cause, (which no man els law or beleved) for to make it, and by this time (we doubt not) but every man doth plainly discern through the mask and vizard of their hypocritie, what their design is, to subject both King, Parliament and Kingdome, to their needy, avaricious and ambitious spirits, and to the violent Laws, Marshall Law of governing the people by guard, and by the souldiers. The Contrivers and penners of that Declaration wil needs make the world beleeye, (for they care not what they affirme, knowing that their Declarations are, and will be spread with more diligence then the answers of the Parliament are) (*that we have spent our time since the recess only in Declarations, Remonstrances, and Invectives against his Majesty and his government, or in preparing matter for them*) was the Bill for taking the Bishops votes out of the Lords Houle (to much desired by the whole Kingdome, and so much for the good thereof) were the severall Bills for the defence of the Seas nothing but Declarations and Invectives against the King and his Government, have the preparations of the Bills against scandalous Ministers for the taking away of pluralities, against Innovations and Superstitions in Religion, for the calling of an Assembly of Divines for the better settling of the matters in Religion (most of which have passed both Houses, and want nothing but the Royall Assent) beene onely preparations for matter of Declaration and invectives against his Majesty and his government, have the many Bills for the supplies and reliefe of Ireland; have all our endeavours for the redemption of our Religion, and nation out of the bloody hands of the Popish rebels in that Kingdome (which God hath beene pleased to honour with good successe, and the current whereof is so much endeavoured to be interrupted by the malignant spirit of division amongst us) been only Declarations and invectives against the King and his government, are the preparations of moneyes and other necessaries for Ireland both heretofore and at this present (herein never any Parliament took that paines and engaged their own particular persons and estates at any time, or in any case as this Parliament hath done, and without which the rebels in Ireland might have been our Masters there, and our mates in this Kingdome) are all these preparations onely preparations of matter for Declarations and invectives against his Majesty and his government? Wee might have expected such a construction of our actions from the rebels in Ireland, but not in a Declaration published in his Majesties name. And if his Majestie did not invite us to any expence of time in Declarations, by beginning arguments of that nature yet the evill Councillors about his Majesty, and their wicked instruments dispersed throughout the whole Kingdome, inforced us to prepare antidotes against the poyson which they had infused into the people against the Parliament: and the proceedings thereof, and for the printing and publishing of our Declarations, votes and petitions, all this doth not make up an evidence of an appeal to the people: cannot we publish our proceedings for the satisfaction of them by whom and for whom we are trusted, in those things wherein they are so much concerned, and whereof they have of late beene to much and so maliciously misinformed, but it must needs be an appeale unto them as Judges? Doe they not rather appeale unto them as Iudges, who decline the highest Court of Iudicature within this Kingdome, and having recourse to the people, arraigne and condemne before them the judgements and resolutions of that Court from whence there can be no appeale

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but by dissolving of the whole frame and constitution of the civil policy and government of this Kingdome into the originall Law of nature, in which naturall capacity (since it must be so) in Gods name let the people judge every man within his owne breast of the persons that they have trusted, and of the persons that they have not trusted, which are those of the countesseit imaginaty great Councell of Peers at Yorke, together with their guard of Cavaliers, and let them consider with themselves whether they have so much cause to mistrust the great Councell of the Kingdome, which they never yet knew to have brought in or to have endeavoured to bring in an Arbitrary government, but often to have been the remedie thereof, or a few evill Councillors about his Majestie whom by frequent and late experience there, have known to have endeavoured it, and also to have done it.

Wee call God to witnesse, that though our quarrel be against the malignant party for his Majesties sake, yet not in that sense as is here affirmed, but out of our loyalty and hearty affection to his Majesty, & our expressions against that party is, to give his Majesty a lively sense of the damage, danger & dishonour that his Majesty sustaineth by their counsells & suggestions. *But there is no malignant party about his Majesty, we name them not, we prove them not to be evill Counsellors.* And how doe the framers of that Declaration prove, or by what of our proceedings is it evident? That by the malignant party we intend all the members of both Houses who agree not with us in opinion: and all the persons of the Kingdome who like not of our Action. By what Declaration or vote of either, or both Houses was that distinction made of good and bad Lords, or by what allowance or countenance of both or either House were any proscribed, and their names listed and read in tumults? Although it is possible that some Members of one or both Houses, may discover such a constant Bias from publick intereſſes to their private ends, that they may heare ill abroad for it, which the Houses of Parliament cannot helpe, nor are bound to hinder. As for those persons whose transcendent vertues (so largely here described) brought them to this Majesties knowledge and favour, as wee must professe that the two Houses of parliament (which are the Eyes of the body politique of his Kingdome) cannot discern many such in favour with his Majesty, so wee are sure nothing that ever wee have said or done, can give any ground for any man to collect that wee intended to brand any persons with the name of malignants for such counsells and actions as those; but if any mans conscience hath brought that home to himselfe which our Declaration did not, who formerly might seeme forward for Religion and publick intereſſes, and since hath become an instrument in division between his Majesty and his great Councell the Parliament; Wee shall not thinke hee is lesse malignant or more worthy of his Majesties knowledge and favour because hee is an Apostat, but the counsells shall try the Counsellors, that is the Tryal wee put them upon. It is said That it is no ill counsell for the King to withdraw himselfe so farre, and so long from the Parliament; because at London, He and many whose affections were eminent towards him, were in danger every day to be torne in pieces, and at Yorke, his Majesty, and all such as will there put themselves under his protection may live securely, and that thorough the Affection and loyalty of that good people.

The complaint of tumults so often urged, and so often answered by us hath served for many ends, and most of them tending to the dissolution of this Parliament. But what was the danger his Majesty was in, and those whose affections were eminent to him? to be to ne in pieces, and how have all they escaped that stayed here till some few dayes since, & those that stay here still, and yet would be very ill pleased if it should be thought their affections were not eminent towards his Majesty. It is said, That his Majesty and those that were best affected to him were in danger of being torne in pieces, but they by whom it is supposed it should be done were in truth torne in pieces, and mangled in a most cruell and barbarous way by a company of souldiers and other rude persons, who were harboured in his Majesties owne house, & that act of theirs committed if not countenanced by his Majesty himselfe, when complaint was made thereunto him.

And now it appears cleerely who were the Authors and occasions of those Tumults and disorders (never in the least degree countenanced or connived at by both or either Houses of Parliament) what ever is most untruely spread abroad to the contrary, they were the Souldiers, and other ill-affected persons adjoining with them who stirred them up here) where since their departure all is quiet) and have raised them since at Yorke, where the Gentlemen and inhabitants of severall Counties addresling themselves to his Majesty in an humble way of Petition have beene afflicted and assaulted, and the Messengers from the Parliament abused and beaten.

In a word, shall the comming downe of a company of boyes and prentises two or three times in the Holy-dayes, and making great noyse against Bishops (for which they were well beaven) be esteemed a just and a perpetuall ground for His Majesty and other members of the Parliament to absent themselves from the Parliament? shall not the present quiet face of this Citie, shall not the frequent Protestations of both Houses of Parliament for his Majesties security to the uttermost power that the Law can give to them, or they unto the Law? shall not the forwardnesse of both houses in appointing a Committee for his Majesties satisfaction to inquire into all disorders of that kinde, and to heare what the Kings Council would informe concerning them) who answered they had as yet nothing to informe) bee sufficient to take away that pretence of danger to his Majesties Person which no man can beleieve that will bee faithfull to himselfe? But that wee may take off the Vizard and clearely discover the true intent of his Majesties abode at Yorke (which is plainly enough expressed in this very place) if his Majesty be not so well satisfied with the City of London, is there never a County neare the Parliament, in whose Loyalty and affection his Majesty may rest secure? Was his Majesty in danger to be torne in pieces when hee was at Hampton Court? was his Majesty in danger whilst hee was in Kent? was his Majesty in danger when he was at Thobalds, or at New-market? If Yorke bee so secure a place for his Majesties Person, and that thorough the affection and Loyalty of that good people (as wee doubt not but that it is secure enough without a guard) what need is there of such an extraordinary guard of horse and foote? The truth is that guard, and all the forces that are preparing to bee added to it, and that place is to shelter a l Delinquents who may come and put themselves under his Majesties Protection there, and so bee kept from the Justice of the highest Court, and serve to make up the number of those that must help by force to trample underfoote all the power and priviledges of the high Court of Parliament, in their summons and Process, and make voyd their orders grounded on the fundamentall Lawes of the Land, and necessary for the peace and preservation thereof: and therefore as wee said, so wee will say still, that they which counsell his Majesty to bee at this distance in place from his Parliament, which can be to no other end, but the better to foment and increase the distance of affection betweene them, are evill Counsellors, and of the malignant party. In the next place it is said, *That it is no evill Counsell for the King to forsake the Advice of his great Councell of Parliament; and to follow the advice of private men, contrary therunto, and that because wee say wee are above his owne Authority, may doe with him what wee please, and that wee would dispose of the Subjects lives, and fortunes, by our Votes, contrary to the knowne Lawes of the Land:* This is in p'aine English, as that wee had beene told, that the King did not looke upon us any longer as his great Councell, but as conspiraors against him, and all his Subjects: It is no lawfull for the high Court of Parliament, to judge of the Kings actions, and of his evill Counsellors, and of their Counsellors to judge, arraigne, and condemne a Parliament, which is the highest Court, which is the representative body of the whole kingdome.

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Did we say, that the Kings Authority (which all good Princes will, and his Majesty hath professed, that hee ought to maintaine with the Sacrifice of his life, is above his Person, and that his personall Commands ought not to contrivall those that proceed from his Authority, which resideth in his Courts, and his Lawes, and in his Person, acting by the one, and according to the other: and are they good Counsellors that perswade the King to the contrary? Doe we dispose of all the Subjects lives and fortunes, by our owne Votes, contrary to the Law of the Land, because we will not suffer the lives, fortunes, and honours of all the Subjects, to be at the Devotion, and to be disposed of by the Votes of evill Counsellors, and Cavaliers, contrary to the Votes of both houses of Parliament. Doe we dispose of the lives and fortunes of all the Kings good Subjects, contrary to the knowne Law of the Land, because we will not admit that to be the knowne Law of the Land, which those men have declared to be so, contrary to the judgement of both houses of Parliament, of whom all the Iudges of England once said, they were not to be Iudges of them, who were Iudges of the Law? As we said before, so we say still, and it stands good, that they which draw away his Majesties person and affection from his Parliament, they that would subject the counsels and determinations of the greatest Court, and highest Counsell, to the opinions of private men, they that will make the Law their Rule by their private interpretations against the judgement of the highest Court, that is the competent Iudge thereof, and they that to make all this good, are preparing force to destroy, first the power and priviledges, and then the persons of both houses of Parliament, are evill counsellors, and of the malignant party: and if they are so confident that these are good counsellors, why are they ashamed or afraid to own them? let them discover their names, and we doubt not but the Law will find a name for their fact, and a punishment for their fault: But he is pronounced accursed that harbours in his heart a thought against the publike liberty and Religion of this Kingdome, or the just freedom and priviledges of Parliament: Let then the King and his Throne be guiltlesse; it is our desire, it is our prayer, but accursed bee they that wickedly and maliciously advise his Majesty to wayes of force against the Parliament, which is the bond and assurance of the publike liberty, and profession of the true Religion within this kingdome, and let all the people say Amen. And we wish that the people may not have cause to curse them also (whom we pray to God to forgive) that after so many good Lawes to take away Ship-Money, Coate and conduct Money, and to free our persons from pressing, imprisoning, and being disposed of at pleasure, have advised his Majesty at one blow to destroy all these Lawes, and revive all those grievances, by setting on foot an old antiquated illegall Commission of Array (which never was but Temporary.) and to protect and defend those, that in a warlike manner, with Banners displayed, have attempted to put in execution, and refused themselves from the justice of Parliament.

And them that have advised His Majesty, having withdrawne himselfe so long and so farre from his Parliament, to command also away the Members of both houses upon their Allegiance, and after to lay an imputation of weakenesse upon the Parliament, in respect of the absence of their Members, and of wickedness, as if those Members had withdrawne themselves out of horror of the proceedings of both houses of Parliament, or had beene by fraud and violence driven from their Counsellors, and them that have advised his Majesty to send for the Lord Keeper away, with the great Seale, whose attendance with the Seale upon the Parliament, is so necessary in many particulars, and under colour of Proclamations under the Great Seale, and otherwise by Declarations and Messages, to contradict the just and necessary Resolution of the highest Court within this Kingdome, which is the Parliament, and to cast insufferable and heretofore unheard of Scandals and Calumnies upon their persons and proceedings: And they that have counselled his Majesty to forbid the Summons of Parliament to be obeyed, which re-

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through the knowne and undoubted power and priviledge of the bigg hest Court of Justice to nothing, yea, to scorn and contempt (which is worse than nothing) and them that perswaded his Majestie to protect Delinquents from the Justice of Parliament, and to countenance the abusing and beating of Messengers, sent from both or either House of Parliament, and selecting out of their hand a Delinquent, and that a known recusant, (which was the case of *Beckwith*) and that amongst other things, for secretly plotting and conspiring by practise with some of the Officers of the Garrison of *Hull*, to possesse himselfe of that Towne and Fort (by which example, the world may see what kinde of people they are, that are most active to get the Towne out of the hands whereunto both Houses of Parliament have incursed it.) Wee say wee could wish, that all such as have counselled his Majesty to so frequent, so evident, so high breaches of priviledges of Parliament, could truly say they had never harboured a thought against the just freedome and priviledge of Parliament, and wee pray God to forgive them for it.

For that concerning our inclination to be Slaves, it is affirmed, *That His Majestie said nothing which might imply any such inclination in us*: but true, what ever bee our inclination, slavery would bee our condition, if wee should goe about to overthrow the Lawes of the Land, and the propriety of every mans estate, and the liberty of his person. For therein we must needs bee as much Patients as Agents, and must every one in his turne suffer our selves, whatever wee should impose upon others; as in nothing wee have layd upon others, wee have ever refused to doe or suffer our selves; and that in a high proportion. But there is a strong and vehement presumption, that wee affect to be Tyrants; and what is that? Because wee will not admit no rule to governe by, but our owne wills: and what presumption either strong or weake, is there for that? Certainly, the presumption is stronger and more vehement, that they will not admit no other rule to governe by, but their owne wills; that will not admit the rule to be their guide in any other sense then they themselves please to understand it, against the judgment of the competent Judges thereof, which is the high Court of Parliament. And as the misery of *Abens* was at the highest, when it suffered under thirty Tyrants; so will the misery of *England* be at the highest, when it shall be at the devotion of three hundred Cavaliers, and protected against the Parliament by the Souldery.

We shall never refuse to acknowledge the Acts of grace and favour received from his Majesty, when there is occasion so to doe: but wee must confesse, wee did not thinke that the season nor the place to doe it in, when wee were to Vindicate both Houses of Parliament from a horrid and causelesse imputation of countenancing Treason by an order of Parliament, by whose advice and meanes it is well knowne those Acts were all obtained and procured.

And for the insolencies and injuries wherewith wee are charged: If the designe of bringing up the Army to awe the Parliament, carryed on in severall ways, and more than once repeated (for which, there are not onely bare Votes, but depositions upon oath:) If the accusation of the Members of Parliament without Witnesses, and without any Cause shewen to this day: If that unparalleld Act of His Majesties comming to the house of Commons, to take away the Members thereof by violence out of that house, which should be as free from Apprehensions of Force, as from Imputation of Faction: If vile Slanders and horrid Crimes, charged upon both Houses of Parliament, together with the unpresidented bre-

breaches of priviledge of Parliament (before specified) tending to the destruction of the very being of Parliaments, have bin things done to us this Parliament. And if we did put it in issue, whether any such thing had been done by any of his Majesties Predecessours as had bin done (wee did not say by his Majestie) to us this Parliament, and that no such thing, nor any thing neere it, hath bin alleged; where is the Injuries? where is the Insolencies? But most injuriously, most maliciously it is affirmed by the Contrivers of this Answer, *That we told the King, that we might without want of modesty and duty depose him.* Did we so much as once name that word, the signification wherof we professed, that we did not suffer so much as to enter into our thoughts? Did we say, that with duty & modesty we might depose the King, because we said we never suffered it to enter into our thoughts? Or do not they rather say it, that will needs make Presidents to be Rules and Patterns? Sure, when wee said, *That some Presidents were such, as that they ought not to be Rules for us to follow*, we might by any ingenious Reader, with much more probability, been thought to have intended those of deposing Kings, then to have said, that with duty and modesty Kings might be deposed; because wee affirmed that wee had not suffered such things to enter into our thoughts. Whosoever reads that Clause of our Declaration, will see clearly, that our Discourse tendeth to this only, That as there was little reason to binde us up to Presidents, because some were not good, and all might fall short of the present case and occasion; so there was little reason, if we should make all Presidents Patterns to upbraid us, as inipudent and disloyall; in comparison of former Parliaments, when all the World knoweth they had done more then we would suffer our selves to entertain into our thoughts.

And now we leave it to every man to judge, with what candor our words and actions are represented to the view of his Majesty & of the Kingdom; and whether, in stead of answering of our Reasons, it hath not bin the principall ayme of the Contrivers of that, and other late Declarations, by any means (how unjust, how untrue soever) to render the Parliament odious to simple people, who they hope will never examine the truth and grounds of what is said, and to whom they cause their Declarations to be read so carefully in the Churches.

And although they would pervert his Majesty. That there is little confidence to be placed in our modesty and duty; yet, as GOD is witness of our thoughts, so shall our Actions witness to all the World, that to the honour of our Religion, and of those that are most zealous in it (so much stricken at by the contrivers of that Declaration under odious names) wee shall suffer more from and for our Sovereigne, then wee hope God will ever permit the malice of wicked Counsellors to put us to, and though the happinesse of this and all Kingdoms dependeth chiefly upon God, yet we acknowledge that it doth so mainly depend upon his Majestie and the Royall branches of that Root. That as wee have heretofore, so wee shall hereafter esteem no hazard too great, no reproach too vile, but that we shall willingly goe through the one, and undergoe the other. That wee, and the whole Kingdome may enjoy that happinesse, which wee cannot in an ordinary way of providence expect from any other Fountain or Streams, then those from whence (were the poyson of evil Counsels once removed from about the n) we doubt not, but wee and the whole Kingdom should be satisfied most abundantly.

We doe still acknowledge, that it were a very great crime in us, if we had or should do any thing whereby the Title and interest of all the Subjects to their Lands were destroyed, But doe we destroy his Majesties, or any mans propriety, because wee say the Parliament may dispose of such things wherein they have a right (suppose of propriety) in such away as the Kingdom may not be indangered thereby?

But we call our selves the Parliament. And did not our Ancestours do so in all times, since there were Parliaments? *But wee challenge that power without his Majesties consent:* And did wee not seeke his Ma: consent? If his Majesty, seduced by wicked Counsell, will not hearken to us in those things that are necessary, for the preservation of the Peace and safety of the Kingdom, shall wee stand and looke on, whilst the Kingdom runs to evident ruine and destruction? *But wee arrogate to our selves alone the judgment of this danger, this necessity, this common good of the Kingdome, and thereby unsettle the secu-*

of all mens Estates, and expose them to an Arbitrary power of our own; And do not they doe the like and worse, that attribute the sole judgment of this danger, this necessity, to themselves, who are no Judges at all) against the judgement of the Representative Body of the whole Kingdom, or at least to his Majesty alone, who out of his Courts is not Judge of the least damage, or trespasse done to the least of his Subjects?

There must be a Judge of that Question wherein the safety of the Kingdom depends (for it must not lye undetermined) If then there be not an agreement between his Majesty and his Parliament, either his Majesty must be the Judge against his Parliament, or the Parliament without his Majesty; If his Majesty against his Parliament, why not as well of the necessity in the Question of making Law without and against their consent, as of denying a Law against their desire and Advice. The Judge of the necessity in either case by like reason is Judge in both; Besides, if his Majesty in this difference of opinions should be Judge, hee should be Judge in his own case, but the Parliament should be Judges between his Majesty and the Kingdom, as they are in many, if not in all cases. And if his Majesty should be Judge out of his Courts and against his highest Court, which he never is, but the Parliament should onely judge without his Majesties personall consent, which is a Court of Judicature, it always doth, and all other Courts as well as it, if the King be for the Kingdom, & not the Kingdom for the King. And if the Kingdom best knows what is for its own good & preservation, and the Parliament; & the Parliament be the Representative Body of the Kingdom, it is easie to judg, who in this case should be the Judge; But it is not so easie to understand what is the danger of unlesding, by this means the security of all mens Estates; Is al this danger kept off us by his Majesties single vote? Are all mens Estates without security, and opposed to an Arbitrary Power, because in all Courts of Justice, and in the high Court of Parliament (and that without any appeal from it) mens Estates and Interests are judged without his Majesties personall Assent? We do not say this, as if the Royall Assent were not requisite in the passing of Laws nor doe, or ever did we say, That because his Majesty is bound to give his consent to good Laws, presented unto him by his people in Parliament: that therefore they shall be Laws without his consent or at all Obligatory. Saving onely for the necessary preservation of the Kingdom whilst that necessity lasteth, and such consent cannot be obtained. But we said it, to this end, that the Kingdom may see that the Contrivers of the late Declarations seek to possesse the people with feares and jealousies of an Arbitrary power in the Parliament, upon far lesse ground, then we are said to amuse with feares of forreigne Forces, whereof the danger might be apparent (which is ground enough for prevention) though not reall, and reall, though not effectually, because prevented or diverted; But we are no Parliament, no Major part of both Houses, but a Faction prevailing against a Major part of both Houses, and pretending them to be evill Counsellors, a Malignant party about his Majesty, &c. This is something indeed; this would go far in answer to our Declaration, which without it were not so easie to be answered. A Faction prevailing against the Major part of both Houses, and pretending them to be a Malignant party, is like indeed to destroy the Rights both of King and People. And we will adde too, the common right also of all the people, and the conservatory of all their Rights, which is the Parliament. And because this is so, therefore do wee believe this is endeavoured to be done, by the Malignant party about his Majesty, which by cunning & force, labours to prevail against the true Major part of both Houses, pretending them to be a Faction of Malignant Schismaticall and ambitious persons, that would subject both King and people, to their own lawlesse Arbitrary power and government.

But a Faction prevailing against a Major part of both Houses. Where is that Major part? about his Majesty? impossible; Shall some twenty of the House of Commons, and some thirty of the Lords (whereof none can Asse any thing there, in the capacity of a Member of Parliament) be the Major part of both Houses at London, that a Faction hath prevailed against? when? How did that Faction prevail against them? by cunning: when were the Major part, so foolish, as to be prevailed over by cunning, and that they should suffer themselves to be Voted a malignant Party? Why were they not so wise when they understood it, to unvote themselves, and vote that faction a malignant party?

What

What Parliaments, what Laws shall be unquestionable, if this may passe for an exception? By *some* *the faction prevailed*; that were something indeed, but what was that force? when did that force begin? when shall it end? It were well we knew what or whether any of the *Acts* made this Parliament shall hold good or no. Why did not the major part of both Houses Vote that force? and why did not they agree with his Majesty to adjourn themselves to *Torke*, that they might be free from that force? By *absence that faction prevailed against them*: And why were they absent? why doe they not come when all meanes are used by the Houses to make them attend the service of Parliament? why are they commanded? why are they kept away? and yet neither House is so thin as the penpers of that Declaration would make the VVorld believe; and if the major part of those that are absent had been of a contrary opinion to the major part of these that are present or coming together, could have made the major part present, neither had they bin absent, nor had the major part present been called a faction which overthrows all Laws and Parliaments that have bin heretofore.

By accident the major part was prevail'd against.

What is meant by that, we understand not, but we understand well that such exceptions as these, may be made use of to overthrow *Magna Charta* and all the Parliaments and Laws that ever have bin heretofore, or shall be made hereafter.

For the Tragedy cited out of Master *Hooker*, no doubt the Contrivers of that Declaration intended rather to Act a Comedy upon both Houses of Parliament then that they could believe in their own hearts, that they were so fanaticall in their own opinions (however it serves their turne to represent them under such names and notions to the people) or so low in their fortunes, as that they should need to take up a vizard of hypocrisie and abuse holy Scripture, for to make spoile of every mans Estate and goods, and as wee must leave the framers of so odious a comparison to the judgment of God, who knows whom they mean under that name of *Anabaptists*, and with what heart and spirit they so needlessly and impertinently, at this time mentioned the talking of nothing but Faith and the true feare of God: so if ever God shall discover the foule Authours of so false a Calumny, wee doubt not but the Kingdom will be very sensible of it, and esteeme that they can never doe themselves right, but by bringing to condigne punishment, such persons as could finde in their hearts to lay so vile an imputation upon the Parliament; a name that always hath, and wee hope always shall be of so great honour and reverence within this Kingdom.

If the Contrivers of that Declaration, which undertake to declare what is Law, against the judgment of Parliament, do it no better then they declare Logick a sense, the Kingdome must needs be very ill satisfied both in their Law and in their Logick: Doth not all mankind know, that a severall right is not the same right, what Logick is this? *Severall men have severall rights in the same things. Therefore severall men may have the same right in the same thing.* Was it not demanded in that Declaration under his Majesties name, *What right any man had to his Land or House, that the King had not to his Town of Hull?* Was it not demanded, *What Title any man had to his Mayey or Plate, that His Majesty had not to his Magazine there?* If it had bin said onely that the King had an interest in them, that is of Seignury and Trust for the publike good, we had taken no exception to it; but when it was affirmed, that it was the same right that every man hath to his Lands, Houses, and Plate, wee said, and we say so still, that it confounded and destroyed the property of every particular man for severall men and the same men, may have the same right in severall things, and also a severall right in the same things, but severall men cannot have the same right in the same thing, and the one not confound the other. The Lord *Paramount*, the *Mesme* Lord and the Tenants have the same right, viz. of propriety, but not in the same things; the Lord *Paramount* hath it in some chief Rents and Services and other things, the *Mesme* Lord in others, and the Tenant hath propriety in the rest, and neither hath the Tenant any thing to do with those chief Rents & Services that belong to the *Mesme* Lord, nor the *Mesme* Lord with what belongs to the Lord *Paramount*, but the Objects and extents of their rights are distinct & different; On the other side the Right of the King, as King, is in the same things, & of the same extens with that of the proprietary, but it is of a different nature and for different ends; That of the Proprietary, is a right of propriety, which he may dispose of as he pleaseth according to his own

discretion, for his own advantage, so it be not contrary to the publike good; but the right of the King is only a right of Trust, which he is to manage in such ways and by such Counsels as the Law doth direct, and only for the publike good, and not to his private advantages, nor to the prejudice of any mans particular Interest, much lesse of the publike; And in this way there is nothing that a man hath a propriety in, but the King hath an interest in it in relation to the government of the Kingdom: A man cannot dispose of his Person or Lands to the assistance of Traitors; he cannot receive a Traitor into his house, he cannot give him a penny of money, so that a mans house, his person, every foot of his Land, every penny in his purse, are subject to his Majesty, according to the nature of his trust for the publike good, and no otherwise; and in all other respects belong to the owner to dispose of to his own private advantages as he shall think good: And if some men have a right in Leases or Lands which they cannot let nor sell, yet some men have such a Right in their Houses and Lands, that they can both let and sell them, and dispose of them as they please, and therefore some men have a Right in their Houses and Lands which his Majesty hath not in his Town of *Hull*: And for those that have their Interests limited to certain uses, if they have them to their own use, there is hardly any so limited, but that they may dispose of them by gift or sale to some body (as to those to whom they belong in reversion) if not to any body that they please, at least (which is only to our purpose) as we doe grant, that an Interest which any man hath, may not be taken from him, because it is limited to certaine uses; so must it also bee granted to us, that because it is limited to such uses, it may not be imployd to any other, especially they that have Interests onely to the use of others (as all Interests of Trusts are) cannot imploy them to their own or any other use then that for which they are intrusted; And if the Houses of Parliament could have bin assured that they, who advised his Majesty to go to *Hull*, intended that no other use should have bin made of that Towne and Magazine but for the publike good and safety of the Kingdom, for which they were intrusted to him, there never had bin so much dispute about that businesse.

For the Magazine, we say still as we said before, it is not taken from His Majesty, because it is taken from *Hull*, and if it were bought with the publick money, it could not be given away, sold or disposed of to private uses, and was onely intrusted to His Majesty for the use of the publicke: *But we onely conceived it to have been bought with publicke money.* And had we not good reason so to doe, when wee had it in evidence from the Accountts of the Collections of Tonnage & Poundage, that 32172 *l.* was imployed out of those moneys to that use, and that the Arms of the Trained Bands of severall Counties were deposited there: *But a trust cannot be recald or destroyed at pleasure.* We say to too, and that we have neither destroyed nor invaded that of his Majesty, because we directed it (as to us it did appertain) into the right way, and to the right ends. *No but we have nothing to doe with the managing of his Majesties Trust, or to advise his Majesty therein, or to have any accountts of the discharge thereof, because it belongeth onely to his Majesty and his heires, and we are to have no account at all of it?*

Doth His Majesty owe an Account to his other Kingdoms of his Office and dignity of a King in this Kingdom, a strange Paradox: yet declared in his Majesties name in His Answer to our Remonstrance of the 19. of *May*. And is there no Account due to this Kingdom? But how doth it appeare that the Houses of Parliament have nothing to do with the discharge of his Majesties Trust.

Because the people that sent us, could not place such a trust in us, since they could not looke upon us otherwise then as upon an uncertaine and temporarie Body, called at pleasure, dissoluble at pleasure.

The experience of former sufferings, hath a little awakened us, and we have reason still, hearing this kind of discourse, to be watchfull in this point of calling and dissolving Parliaments which never was other then a trust reposed in the Kings of this Realm, and never intended as a Prerogative, wherein they might use their pleasure, what ever the exigence of the Kingdome should bee; if this were a thing depending wholly upon their pleasure, all our Lawes which wee have by and for Parliaments, and all remedies which wee can expect from Parliaments in point of justice and in point of Law, and Parliaments themselves, would bee very little worth to us: did the people intrust the King with a power to call them together in Parliament once every yeare by two expresse Statutes, and ofner if need required and to dissolve them

when all Petitions and grievances were heard and redressed and not before, and did they it with an intent that whatsoever the necessitie of the Kingdome should be, it might bee uncall'd or abruptly broken off at pleasure? If the Ports of a Towne be intrusted to the Governour thereof, to open and shut for the use and security of the Inhabitants, is it with an intent that he should shut them in the day, when every body should goe about his affaires, and set them open at midnight when unruly persons might have the better opportunitee to commit disorders? If ever an equitable sence of the Law had place, here it hath; but we have no need of it this Parliament, and what we now enjoy by Act of Parliament, our Ancestors did claime the same in effect as of common right, that no Parliament should be dissolved so long as any Petition remained unheard and undetermined.

Another Reason alledged by them to shew that we have nothing to doe to intermeddle with the Kings trust is, *because by our Writ we are called onely to Councell the King, not to command and controule him, and to Councell him onely in some things not in all* (in quibusdam arduis) and the example of Wentworth his Commitment is alledged to his purpose. We are a Councell, and are we not his Majesties great Councell? and as such, are we not to advise his Majestie in the managing of the trust reposed in him? it is said, *that wee are not to advise in all things*. It is true because all things are not worthy of a Parliament, but if they are proper to advise his Majestie in (the greatest and most difficult matters (which therefore are expressed in the Writ) are they not to be hearkened to in matters of lesse importance, or is not the matter in question, of a great, high, and difficult nature? or is the Parliament bound up onely to those ends for which the King calls them? And have they nothing to say or doe in the behalfe of the Kingdome? and as for that example of the Commitment of Wentworth, we know the best times often produce the worst presidents in some particulars and in Queene Elizabeths time, (though generally a time of great honour and happinesse to this Kingdome) yet there were some very ill Presidents whereof this was one. *But the Parliament is a Councell.*

And is it not also a Court, and doth not that Court call to an accompt all other Courts of Justice, and all Officers and Ministers under his Majestie, even for such things as they shall doe against the Law, though by his Majesties expresse command; and what is this but to take an accompt of the discharge of His Majesties trust? The Law exempts His Majestie from accompt in no other sence then it exempts him from fault, because he is to doe Publick affaires of the Kingdome by his Officers and Ministers of State, and not by himselfe, and they are to give an accompt of that which the King doth by them in which respect Sir William Thorpe Chiefe Justice in Edward the third his time, was charged for breaking the Kings Oath, as much as in him lay. *Wee are said to be a Councell.*

And are we not also two Estates, and two Estates comprizing the Persons of all the Peeres, and the representative Body of all the Commons of England? and shall the Collective Body of all the Kingdome have nothing to doe to looke into the discharge of that Trust that is onely for the use and benefit of the Kingdome? nor be inabled with any power, to prevent danger and ruine, that they see ready to seize upon the Kingdome,

A third Reason alledged, why we are not to intermeddle in the managing of His Majesties Trust is. *Because it exceeds the bounds of our Trust, for that the Oaths (that they which sent us, and wee our selves have taken) maketh them incapable to give, and us to receive such a Trust.*

What are those Oaths? Those wherein it is expressed, that His Majestie is Supream Head and Governour over all Persons, and in all Causes within his Dominions, and therefore wee have no power to see that His Majesties Trust be managed, according to the true intent and Condition thereof; If we should say the King hath in *Populo regendo Superiores, Legem per quam factus est, & Curiam suam videlicet Comites & Barones &c.* it were no new Doctrine, we have an ancient Author for it.

Fleta libro 1^{mo} Capite Decimo septimo de Iusticiariis Substituentis.

If we should say, *Rex est major singulis, minor universis.* it were no new learning, and certainly this of Supream Head and Governour over all Persons in all Causes, as it is meant of singular Persons rather then of Courts, or of the Collective Body of the whole Kingdome, so it is meant in *Curia non in Camera*, in His Courts, that His Majestie is Supream Head and Governour over all Persons in all Causes.

And not in his private Capacitie. And to speak properly, it is onely in his high Court of Parliament, wherein and wherwith his Majestie hath absolutely the Supream power, and consequently is absolutely Supream Head and Governour, from whence there is no appeale: And if the high Court of Parliament may take an accompt of what is done by His Majestie in his inferiour Courts, much more of what is done by him, without the Authoritie of any Courts. We are sorry that we are invited; or rather inforced to Questions of this Nature, but we cannot avoid it, when such Doctrine shall be Preached to the People (for these Declarations are read to them by Ministers in their Churches) that by the Kings Supremacie is meant a Power inherent in the Kings Person, without above, against all his Courts, the high Court of Parliament not excepted, so that he may comprole the proceedings of any Court, whereby the excellent constitution of this well governed Kingdome, wherein the Lawes are the rule of the Kings Government, and Actions, and his Courts the Judges of the Lawes would be turn'd into a mere Arbitrary Government depending solely, and wholly upon the will and pleasure of the Prince as Supream Head and Governour, not only over particular Subjects, but also over all his Courts, and consequently over his Laws. For those high and groundlesse aspersions cast upon us.

As if wee did abuse our Trust to the destruction of His Majestie, the dissolution of his Government and Authority, and to make our selves perpetuall dictators, over the King and People &c.

They are of the like Nature, with many more of that kind, wherewith that Declaration is stufft, which as they are without all ground of proof: So there will be no end or necessity of answering them; but as we never allowed the People to make an equitable construction of the Lawes and Statutes, so it cannot in reason be denied to the Supream Court of Judicature for to doe it when there is a cause so to doe: And we hope the People will never bee carried away with a noise of words and reproaches against the Parliament, without any colour of proof to make any such equitable construction of the Act for continuance of this Parliament as may tend to the dissolution thereof, and their own destruction therein and that of the Kingdom of Ireland; together with them; As we said before, so we say still, that wee shall never allow by way of consent and not of comprolement, (in which sense wee hope the expression is humble and dutifull enough) that His Majestie should bee Judge of the Law out of his Courts: So wee must avow that the high Court of Parliament is the competent and highest Judge of the Law, and yet we neither make our selves Popes, nor Rebels in saying so, or doing so: we did not say that the Parliament without his Majestie had a power of declaring the Law.

So as their Declaration should be a generall rule to all cases, but to declare the Law in a particular case in Question before them, it is no more then they alwaies did, and his Majestie himselfe granteth, that we have power to do.

But what if the Parliament judge that to be Law, which all the world sees is not Law.

And what if his Majestie and a few private Persons about him Judge that not to be Law, which all the World sees to be law? whether the presumption doe not lie stronger, where the Law hath placed no power of Judicature then where it hath placed in the highest and last resort, let all the world judge. For the Rebels in Ireland, as that Kingdom is very different from this, so is their case from ours: we destroy none, we murder none, we rob none, by our Ordinance of *Militia*: But the arguments that are drawne out of this discourse against the power of judging, what is Law by the Parliament, are two, one is drawne from inconvenience, the other from absurdity.

From inconvenience because if a major part in Parliaments should bee judges of the Law, Rebels or the Malignant partie might come to be the major part, and then what should become of the Kingdome? From absurdity, that a thing which was not necessary nor Law, whilst the two Houses disagreed, should after become necessary and Law.

The answer to that Argument of inconvenience and danger, if the Major part of both Houses of Parliament, should be Judges of the Law, is that of two dangers the lesse is to be chosen, then would be more danger if the judgement of the Law should bee in the breast of one man who is mortall

liable to mistakings and passions and particular respect unto himselfe to the prejudice of the Publike then such a Body chosen out of the whole Kingdom is like to bee, and if a Kingdom must suffer, suffers most justly from it selfe as it doth when it suffers from a Parliament whom they have chosen and whose act is their owne.

For the absurditie wherein doth it appeare that the Lords House should be of one opinion at one time, and after wards bee of another? or rather that this alteration in the Votes of the Lords House, should make that necessary and Law one day, that was neither necessary nor the Law the day before? We doe not say so, it was as necessary before and it was as much Law before that in such cases of necessitie the Houses of Parliament should have a power to provide for the safety of the Kingdom, but that necessitie, that Law was not so unquestionable before, nor was the rule so cleer for them that should obey as when it was iudged by the Chiefest Court of Judicature within this KINGDOME. But now followeth an high and heavy Charge against us, *That to iustifie the Invasion of his Majesties ancient unquestioned, undoubted right, settled and established on his Majestie and his posteritie by God himselfe, confirmed and strengthened by all possible Titles of compaſſe Lawes, Oathes, perpetuall and uncontradicted Custome by his People, wee have alleddged an Oath, that is or ought to be taken by the Kings of this Realme, as well to remedie by Law, such inconveniences as the Kingdome may suffer, as to keepe and protect the Lawes already in being.*

We confesse the Framers and Penners of that Answer might have had some colour to have taxed us, for the breach of our Oathes, if we had invaded the ancient, unquestionable, undoubted Rights of his Majestie, wherewith the People of this Nation by the Laws and Customes of this Land, have invested his Majestie, and his Posterity; and God also himselfe hath ratified unto them by confirming and strengthening those Laws, Customes, and Compacts. But wherein consists the Invasion of any such unquestionable undoubted Right of his Majestie, and wherein consists the Justification of any such Invasion? In that we have declared (as they say) *That there lyeth an Obligation of an Oath upon the Kings of this Realme, to passe all such Bills as are offered unto them by both Houses of Parliament.*

We did not say so, but we did and doe say, that the Oath which is or ought to be taken by the Kings of this Realm, doth oblige them to passe all such Bills as are offered unto them by both Houses of Parliament, in the name, and for the good of the whole Kingdome, and as well to remedie by Law such Inconveniences as the Kingdome may suffer, as to keepe and protect the Lawes already in being; and to all the exceptions that have been taken, to what we have alleadged concerning the Oath, which ought to be taken by the Kings of this Realm at their Coronation; we shall give such answers as we doubt not but will be very cleere and satisfactory, to every man that shall reade, and consider them.

The first exception; *That it is a thing that was never heard of till this day, that any such use should be made of that Oath.*

This exception we shall have sufficiently cleared, when we shall have made it appeare, that it hath been ordinarily so taken heretofore, and that also, amongst others, by a learned Judge (so termed by his Majesty himselfe in a late Proclamation) and that the Lords and Commons some hundred years since, have so taken it, and so claimed it of the King, who did not deny it, and that another King afterwards expressly declared and acknowledged it in Parliament, as appeareth upon Record. That it hath been ordinarily so taken, appeares by a *Memorandum* upon Record at the Coronation of Richard the Second, wherein the heads of the Oath being set downe, that Clause *R. 2. m. 44.* of the Oath, concerning the Kings strengthening such Lawes as the people have chosen or shall chooſe, the matter is not great whether way it be rendered, so it be understood alwayes that the Lawes referred in that Clause to the Royall assent, as a thing future and not passed (as they doe) is tendered thus; *Ac de faciendo per ipsum Dominum Regem eos esse protegendos, & ad honorem Dei, Corroborandum quoniam vulgus iuste & rationabiliter eligerit;* which expression, with that qualification, which the people should justly and reasonably chooſe, clearly relates to new Lawes that should be chosen by the people; And in all the Alterations in the forme of the Oath, that we can find, excepting that which was taken by his Majesty, and his Father King James, (wherein the word *Chooſe* is wholly left out,

as well hath Chosen as will Choose) that Clause is understood of new Lawes to be made, as in the Oath which *Henry* the Eighth Corrected and interlined with his own hand, (whereof there is Copie amongst the Memorials of the Archbishop of *Canterbury* at *Lambeth*) the Clause in question, that is [and affirme them which the folke and people have made and chosen] is interlined by him thus : In stead of Folke he put Nobles and people, and after the words, *Made and chosen*, he added, *With my consent*. And in the Oath of *Edward* the Sixt, which is to be seene at *Lambeth* also, the Lord Protector and the other Coexecutors holding it necessary to correct the Ceremonies and Observances used at the Coronation of the Kings of this Realme, in respect of the tedious length of the same; and also for that they conceived, that many points of the same were such, as by the Lawes of this Realme, at that present, were not allowable (as is there expressed) they altered severall Clauses in the Oath, and the Clause in question they changed into this following :

[Doe you grant to make no new Lawes, but such as shall be to the honour and glory of God, and to the good of the Common-wealth, and that the same shall be made by the consent of your people as hath been accustomed.) By all which it clearly appears, that in that Clause of the Oath; *Et ad honorem Dei, Corroborandum quas vulgus eligerit*; His Majesties royall assent to new Lawes was generally understood to be meant. And for the learned Judge we spake of, it was *Justice Hutton*, who not onely taketh the Oath in this sense, but publicly declareth in his Argument in *Master Hampdens* Case, concerning Ship-money, that he conceived that it was in respect to their Oath that the Kings of this Realm never make a direct denyall to such Bills as are tendred unto them from both Houses, but onely give that Answer, *Le Roy Savisera*.

As to the Claime of the Lords and Commons it was in *Edward* the Thirds time, and the King denyed it not, as may appeare by the Preamble of the Statute cited by us in our Declaration to this purpose, and recited by the Petitioners of that Answer, but without those words, which were the words, for which we cited it, that is, He ought and is bound by his Oath : For the expresse Declaration and Acknowledgement of it by another King in Parliament; It appeares out of the Parliament Rolls, 3.R. 2. n. 38. and 40. where the Commons desiring a Graunt of new power to the Justices of Peace, to enquire into Extortions which the Bishops and Clergie conceiving that it might extend to the Bishops and their Ordinaries, they made their Protestation against this new Graunt, yet protested that if it were restrained onely to what was Law already, they would consent to it, but if it gave any new or further power, they would never give their Consent to it. The King answereth, that notwithstanding their Protestation, or any words contained therein, he would not forbear to passe this new Graunt, and that by his Oath at his Coronation, he was obliged for to doe it.

By this time we hope it appeares, that wee have broached no new Doctrine in this point; and for the second Exception that is taken to what wee alledged concerning the Oath, it is this; *That no such thing as wee supposed, could be collected either out of the words or matter of that Oath: not out of the words, because Elegerit significeth, hath Chosen, as well as will Choose, and that it doth signifie so in the Oath; the constant practise of all ages, and the word Customes, whereunto it is joyned, and which cannot have reference to such Customes as the people should choose after this Oath taken, doe (as they conceive) make it evident, Nor from the matter of the Oath can it be collected, Because the most material point in that Oath, might be destroyed by such a Construction thereof, and so a King might bee sworn to doe that which would disable him to doe that which he was mainly sworne to doe; that is, to protect his people; of which power hee might wholly devest himselfe, if hee were bound to passe all Bills offered to him by the Houses, As in particular by passing the Bill of the Militia, his Majestic (as the Framers of this Answer make the world beleieve) should have done.*

We do not deny but (*Elegerit*) may signifie, *hath Chosen*, as well as *shall choose*; In which sense wee take it, and it may signifie, *shall choose*, as well as *have chosen*; and it is usually so taken, for which wee need not goe farther for an instance then to that Clause which is,

ded in the close of those questions; *Adjiciantur predictis interrogantibus qua juxta fuerint* : which is not to be interpreted, that such things may be added to the aforesaid questions which have been just, but which shall be just, & it seems above an hundred years ago, (that choose) was thought as proper a Translation, as (have chosen) as may appear in an old booke in the Heralds Office, which belonged to *Clarens-cieuex Hanley*, that lived in *Hen. 8.* time, where the Oath is found three severall times in English, and in all of them it is rendred (shall) and not (have.) But as we said before, it importeth not much whether way it be rendred, if still the sence be (as it may and ought to be understood) that the Choise should referre to such Laws as the People from time to time shall have chosen; and not only to some Laws and Customes which were made before the taking of this Oath, and that it doth referre to such Lawes as though they have been chosen and passed by the People, yet have not bene passed by the Royall Assent; and this we doubt not when we shall have cleared the Objections, to make very plain and evident.

The first Objection is, *From the perpetuall practise of all succeeding ages which is said to be a better Interpreter then our Votes.*

What doth the perpetuall Practise of all succeeding Ages interpret? that this Oath did only look backwards to the ages preceding the first Administration of it to any King of this Realm; This would exclude a great part of the Laws in being, and haply *Magna Charta* it selfe, from being comprised within this Oath, not onely as to the making, but also for the observation of them, and is expressly contrary to what hath been constantly acknowledged by the Kings of this Realm, that they are bound by their Oath to the observation of all the Laws made by their Ancestours, and also that shall be made by themselves after the taking of their Oath; But at least the constant practise of all Ages interprets their Oath to be meant only of Laws already made, and not of the making of new Laws, because they have ordinarily denied Laws presented unto them by their People in all Ages.

We know well what Kings have done in this point, but we know also, that what they have done is no good Rule alwaies to interpret what they ought to have done; For that they are bound to the observation of Laws by their Oath is out of question, and yet the contrary practise in all Ages will appeare as often, and in as many particulars as in the deniall of Laws which their people have desired of them, as it is well knowne that the Laws for holding a Parliament once a yeare lay asleepe for a long time, (yet the practise was no argument against the Right.) But it appeares upon the Parliament Roll, 2. *H. 5.* That the Commons acknowledged the King might grant something in their Petitions and Werne (that's their word) others as he pleased we deny it not, they did so, but those were Petitions of the Commons only, which they presented to the King by Writ, or by the mouth of their Speaker (as is expressed in the same Roll) and it doth not appeare that the King denied any part of them; But by the advice of his Earles, Barons, and other great men (that is of the Lords House) by whose advice it is expressed, that he consented to such points of them as he did assent to, and those Petitions of the Commons which they presented by Writ, or Mouth of their Speaker, as they were not weighed and passed with that consideration and formality as Bills are, so they contained divers things of a different nature, and so the King might have reason to deny some of them, because they might be meere Petitions of Grace, and of such things wherein the King was to part from something that belonged to him as of particular right and interest, and of that nature those things that have been denied will be found to have been for the most part if not altogether. But that Kings have ordinarily denied publicke Bills concerning

the government and common good of the Kingdome that hath passed both Houses we are yet to seeke, or that ever they denied any Bill otherwise then in that usuall answer, *Le Roy Savisera*, which if it be not a Consent, it is not a deniall, nor doth a liberty of deliberation alwaies exclude a necessity of consent; for the Will taketh counsell of the Understanding. And yet all men hold it ought, and many that is necessarily must follow the last and ultimate dictate of the understanding; And yet we doe not say, or ever did, but that some thing is left to his Majesties Judgement and conscience in the passing of Laws, but he hath the obligation of an oath lying upon him to discharge that trust. And if some Kings have too great a latitude to themselves in judging Laws to be ill or unreasonable by their owne private judgements, contrary to the judgement of their great Councell the Parliament. It doth not follow, that the Obligation was lesse upon them, or that they ought not to have bene very tender in going contrary to the advice of their great Councell in a matter concerning the good of the whole Kingdome, and wherein they lay under the tye and obligation of an Oath.

For that which is said concerning Customes, *That the Oath could not be meant of Customes, that the people should chuse after the taking of this Oath.* What is more ordinary, then in a clause wherein some words may belong to one part and some to another, to interpret it, *Reddendo singula singulis*: Though Customes could not be chosen, yet Lawes might, and customes might be kept, and protected; which words are in the clause as well as those of choosing and strengthening. But why may not Customes be confirmed as well as Lawes enacted? what is more usuall then to confirme Customes by Statutes? For Customes being Laws, that grow up by a Tacite consent of the People, they are more subject to question then Statutes, especially from the King, without whose assent they are taken up of the People, and therefore as the first part of the Kings Oath, is to keep all the Laws and Customes granted by his Ancestors, and especially those of King *Edward* the Confessor; So in this Clause, hee sweares to keep, protect, and give strength to such Lawes as shall be enacted for the good of the Kingdome, and such just Customes as had not yet been expressly granted by his Ancestors, which his people should desire to have ratified and confirmed to them; For that Argument which is taken from the matter of this Oath, *That it cannot be meant that the King should be obliged to devest himselfe of a Power to protect his Subjects, which is the great businesse of that Oath.* If we had said (as we did not) that the King had been bound to passe all Bills that should be offered to him by both Houses of Parliament, without any limitation or qualification of Reason and Justice, yet such a supposition as this could not fall upon a Parliament: as if they could desire such a thing, much lesse, that a King were obliged for to grant it: But how improperly this is applied to our Bill concerning the *Militia*, we leave it to every man to judge, when they shall consider how necessary, how just, and how reasonable that Bill was, and how much they mistake the way and manner wherein his Majesty is to protect his subjects that have advised him to deny that Bill; and to set up a Commission of Aray so destructive to Liberty, and to the propriety of the Subject; was it not necessary that the Kingdome should be put into a posture of defence? on all hands is agreed, the people petitioned for it, the Parliament make it the ground of their Ordinance, the King maketh it the ground of his Commissions, All the question is concerning the way: And we shall make it good, that the maine point wherein his Majesty differeth from us in the Bill concerning the *Militia* was this, That we desired the power of the *Militia* should be put into the hands of persons approved by his Majesty and both Houses, to be answerable to the Law for the discharge of their duties.

ties, and his Majesty would not admit of it, unlesse he might be Judge both of the time when, the cause why, and the manner how, that power should be exercised: And that in his owne person out of his Courts, for in them he might have called them to an account for not doing, or doing what they should have done, or not have done: And if it is by the Law, and by the Courts of Justice judging of the Law; and by the *Militia* to maintaine the proceedings in them according to Law: That his Majesty is to protect his subjects, our Bill for the *Militia* was so far from devesting him of that power, that it did give him a power (which he had not legally before) to command the whole *Militia* in the Kingdome in an orderly and effectuell way, and all those to whom it was committed to obey and assist him in the protection of all his good subjects in their persons and estates according to Law, but if by the protection of his Majesties subjects, be meant the protecting of them from the summons and proceedings of his Courts, even of his highest Court, & the making of himself sole Judge of the necessities and dangers of the Kingdome, against the opinion of the representative body thereof, and of the Law, against the judgement of the highest Court in the Kingdome: if this be the protection which is intended to the subjects by the souldiers, it is more like to that we heare of in other Countreies and never desire to see in this, then to that under which the subjects have for so many yeares lived with so much freedome and security in this Kingdome: And we must leave it to every man to consider with his owne breast, whether our Bill for the *Militia* is so monstrous, as it is represented; and must lay it upon the consciences of those that advised his Majesty to refuse it, and to take up such other waies in opposition to it, whether they have not been without all cause the chiefe if not the only cause of all the distractions and miseries that are like to ruin this unhappy Kingdome.

And now that we have taken away the objections; there is no indifferent man that will not be perswaded by the Authorites before cited out of Statutes, and otherwise, that this clause of the oath taken by the Kings of this Realme at their Coronation, is meant of new Lawes to be made; and if it were not so, it could not well be understood what should be the meaning of the word (*Corroborare*) which signifies together with others to give strength to a thing, for what strength could lawes that had passed the King and both Houses receive more then they had before, or to what purpose should those words (*Quas vulgus elegerit*) be put in but to puzzle the whole sense, if it had been meant only of keeping the Lawes? and therefore in the oath which is set down in English, in that answer to our Declaration, the word (*choſen*) is quite left out, as altogether superfluous, as indeed it would be if it had not relation to such Lawes as were to be offered and presented to his Majesty by his people. In the last place it is charged upon us, *That we have not dealt faithfully in the making use of a Latin Record when we might as well have set forth the forme of the Kings Oath in English, even of that very Oath which his Majesty tooke at his Coronation, which is said to be found in the records of the Exchequer.*

The reason why we did not make use of an English record, was, because we could finde none, nor can we yet find any though we have caused diligent search to bee made for it; yet we doe beleieve that was the forme of the Oath which was taken by his Majesty, and by his Majesties father King *James*, for we finde it so amongst the memorials of the Archbishop of *Canterbury* concerning the Coronation of King *James*, and his Majesty, but we finde in the same memorials, the form of the Oath in Latin, particularly agreeing with that which was cited by us, and also in French, fully agreeing with the Latin, and with the records thereof in French in E. 2. and E. 3. time: Therefore the form of the Oath appearing to be the same in Latin and French,

for divers hundred yeers, and there appearing no such form as was used in English by his Majesty and his Father before their time, and there appearing no alteration to have been made, but only in the English, and that only since *Henry 8.* his time, and it being our purpose to cite the Oath (not that was taken by his Majesty) but that anciently was, and of right ought to be taken by the Kings of this Realm (which we doe not conceive any had power to alter without an act of Parliament) wee should have had no reason to have made use of that forme, if we had found it upon record, and the English being but a Translation out of the Latin and the French (in which language it was anciently taken by the Kings of this Realme) we should not stand in need of much Latin or French to find this forme of the Oath set down in that answer; and which is said to have been taken by his Majesty to be no good translation, either of the Latin, or of the French, and particularly as to the clause of the Oath in question that (*Elegerit*) doth not signifie only (*Have*) and no more, and for the full satisfaction of every man we shall set downe the forme of the Oath, as we finde it upon record in Latin and French, and in English, as we finde it translated out of the French in an old booke in the Heralds Office, belonging to *Clarencieux Hanley*, who lived in *Henry the 8.* his time; and though there bee two other formes of the Oath in English in the same booke, whereof one is said to have beene used at the Coronation of *Hen. the 8.* and the word (*Elegerit*) in both of those formes rendred in the future tense, yet we shall make use of that which is there expressed to have relation to the Oath as it is in French, because we finde that translation to agree with the French, which we finde upon record to have been taken by *E. the 2.* and *E. the 3.*

Sire voulez vous grantes & garder & par vostre serment confirmer au peuple d'Engleterre les Leys & les Coustumes a eux grantees par les anciens Roys d'Engleterre vos Predecesseurs droitz & devotez a dieu & nommez. au Clergie & au peuple par le glorieux Roy saint Edward vostre predecesseur.

Respond je le grante & promette.

Sire garderez vous a dieu & a saint Eglise & au Clergie & au peuple paiz & accord en Dieu entierement selon vo vostre poaire.

Responds je le feray.

Sire grantes vous a tenir & garder les leys & les Custumes droitureles les quels la communante de vostre Royaume aur eslu, & les defenderer & assforcerer al honneur de dieu a vostre poaire.

Responds je le grante & promette.

Out of an old book in the Heralds Office.

Sir, Will you grant and keep, and by your oath confirme to the people of England, the Lawes and Customes granted to them by ancient Kings of England, rightfull men, and devout to God; and namely, the Lawes and Customes, and Franchises granted to the Clergy and to the people by the glorious King *Edward*, to your power.

Sir, Ye keep to God and to holy Church to the Clergy and to the people peace and accord wholly after your power.

Sir, Ye doe to be kept in all your doomes and judgements true, and even righteously with mercy and truth.

The King shall answer, *I shall doe it.*

Sir, Will you grant, fulfill, and defend all rightfull Lawes and Customes, the which the Commoners of your Realme shall choof, and shall strengthen and maintaine them to the worship of God after your power.

The

The King shall answer, *I grant and behest.*

Ex Rot. Parliament. 1. H. 4. N. 17.

Sequitur forma iuramenti soliti & consueti prastan. per Reges Anglia in eorundem Coronatione quod Archiepiscopus Cantuar. ab iisdem. Regibus exigere & recipere consuevit prout in libris Pontificalium Archiepisc. & Episc. plenius continetur.

Quod quidem iuramentum Richardus Rex Anglia post Conquestam secundus in Coronatione sua prastitit & ab Archiepisc. Cantuar. erat receptum & illud idem iuramentum dictus Rex post modum iteravit prout in Rot. Cancellarii plenius reperiri poterit de record.

Servabis Ecclesia Dei Cleroque & populo pacem ex integro & concordiam in Deo secundum vires tuas.

Respondet, servabo.

Facies fieri in omnibus iudiciis tuis quam & rectam iustitiam & discretionem in misericordia & veritate secundum vires tuas.

Respondet, servabo.

Concedis justas leges & consuetudines esse tenendas & promittis pro te eas esse protegendas & honorem Dei corroborand. quas vulgus elegerit secundum vires tuas.

Respondet concedo & promitto.

Adjicianturque predictis interrogationibus qua iusta fuerint prænunciatisque omnibus confirmet Rex se omnia servaturum Sacramento super Altare prastito coram cunctis.

Out of the Claus. Rot. 1. R. 2. M. 44.

Afterwards the foresaid Archbishop of Canterbury having taken the corporall Oath of our Lord the King to grant and keepe, and with his Oath to confirme the Lives and Customes granted to the people of the Kingdome of England, by ancient, just, and devout Kings of England, the progenitors of the said King, and especially the Lawes, Customes, and Freedomes granted to the Clergy and people of the said Kingdome by the most glorious and most holy King Edward to keep to God, and the holy Church of God, and to the Clergy and people, peace and concord in God intirely, according to his power, and to cause equall and right justice to be done, and discretion in mercy and truth; and also to hold and keep the just Lawes and Customes of the Church; and to cause that by our said Lord the King they should be protected, and to the honour of God strengthened, which the people should justly and reasonably choose to the power of the said Lord the King: the aforesaid Archbishop going to the foure sides of the said Scaffold, declared and related to all the people, how that our Lord the King had taken the said Oath, enquiring of the same people if they would consent to have him their King and Leige-Lord, to obey him as thier King and Leige-Lord, who with one accord consented thereunto.

Ex Rot Clausar. de An. 1. Ric. 2. M. 44.

Subsequentorque capto per prastatum Archiepiscopum Cantuar. sacramento Domini. Regis corporali de concedendo & servando cum sacra confirmatione leges & consuetudines ab antiquis iustis & Deo devotis Regibus Anglia progenitoribus ipsius Regis Plebi Regni Anglia concessis & preservim leges consuetudines & libertates a gloriosissimo & sanctissimo Regi Edmō clero populoque Regni pradieti concessas. & de servando Deo & Ecclesia Sancti Domini Cleroque & populo pacem & concordiam integre in Deo juxta vires tuas & de faciendo fieri in omnibus iudiciis tuis equam & rectam iustitiam & discretionem in misericordia & veritate & etiam de tenendo & custodiendo justas leges & consuetudines Ecclesia, ac de faciendo per ipsum Dominum Regem eas esse protegendas & ad honorem Dei corroborand. quas vulgus iuste & rationabiliter elegerit juxta vires ejusdem Domini regis, prastatus

Archiepiscopus ad quatuor partes pulpiti prædicti Accidens exposuit & enarravit Univerſo populo, qualiter dictus Dominus Rex huiusmodi præſtitit Sacramentum inquirens ab eodem populo ſi ipſi conſentire velent de habend. ipſum regem & Dom. ſuum ligem & ad obediend. & ei tanquam Regi & Domino ligeo qui utique unanimiter conſenſerunt.

Let now all the World judge whether wee have broached any new or any falſe Doctrinẽ, and whether the concluſion that we drew from the Oath doth not naturally and neceſſarily follow out of it, that is, That by the Oath which the Kings of this Realme have or ought to take, there lieth an Obligation upon them to paſſe ſuch Lawes as are offered unto them by their people in the name and for the good of the whole Kingdome, and by accord with their People in Parliament to make remedy and Law upon ſuch miſchiefes and damages as may happen to the Kingdome: and as we acknowledge that miſchiefes ought to be remedied by Law; ſo it is moſt true that if the remedy of the Law be not in time applied to them, they many times grow to that height as to be paſt remedy of Law; And as we did not determine that Queſtion how farre forth the King is obliged to follow the judgement of his Parliament, ſo as to conclude, that a new Law might be made without his conſent, So we doe acknowledge that the contrary may be truly inferred out of all that we ſaid; For to what end a truſt, and an Oath to performe that truſt, if it might be done otherwiſe? yet we gave reaſons (which are not answered) That Kings ought to attribute very much to the judgement of their Parliament; And this the gentleneſſe of their uſual answer doth clearly ſhew (if it ſignifie no more) and that was the ſcope of all that we ſaid in this point, and the very end for which we at this time cited the Oath uſually taken by the Kings of this Realme at their Coronation, was that neither his Maieſty nor the Kingdome ſhould bee any longer led away with that falſe poſition which of late hath bene ſouſually and openly declared, that all new Lawes are Acts of grace, and that his Maieſty is abſolutely at liberty to paſſe them or not, as he pleaſeth, how good ſoever, or how neceſſary ſoever they may be for the Kingdome; Whereas by the Oath that ought to bee taken by the Kings of this Realme at their Coronation, the contrary doth appeare, and from thence it doth neceſſarily follow, that the Kings of this Realme ought to bee very tender in denying both Houſes of Parliament in any thing that concerns the publique government and good of the Kingdome, and that they ought to deny themſelves and their owne underſtandings very farre, before they deny them, and that upon this ground, becauſe they lie under the Obligation of an Oath to paſſe ſuch Lawes if they be juſt and good for the kingdome, and it muſt then bee a tender point for a Prince to judge otherwiſe of thoſe Lawes that are repreſented unto him, as ſuch by the repreſentative body of the whole Kingdome; the caſe is not the like in private Bills, nor in publique Acts of grace, as pardons and the like, which may in ſome ſenſe bee called publique, when they are generall, although they are rather acts of grace in many particulars, then to all the Commonwealth in generall, and ſo farre as the penalties and forfeitures are remitted, His Maieſty departeth from his particular right and intereſt, & in all ſuch acts of grace, we cannot expect that his Maieſty ſhould grant them as of right, neither is he thereunto obliged by his Oath, neither doe wee ſhare with his Maieſty in the power of pardoning, becauſe the high Court of Parliament hath a power of condemning and abſolving, that is of judging as well without as with his perſonall conſent, Nor is his Maieſties power of pardoning any whit empayred becauſe he hath not a power of condemning or acquitting out of his Courts, and making any actions criminall or not criminall as he pleaſeth, All this conſidered, we cannot yet beleeve the people of this Land to be ſo void of common ſenſe as to thinke that the Bill for the Mi-

his (which hath beene denied as by the advice of evill counsellors enemies to the peace of this kingdome) was not a thing for their ease and benefit, yea for their safety and security, and such a thing as hee could neither in prudence or faithfulness to them by whom we are trusted forbear to aske, or that his Majesty had any cause in Honour, Justice or Conscience for to deny, or that wee have endeavoured to render his Majesty odious to his Subjects, and them disloyall to his Majesty, because wee have endeavored by all means to procure his Majesty to leave the advice of private and evill Counsellors & to hearken to his great Councill, and to obtain from his Majesty Acts of grace, justice, and protection for his people, that their hearts may be united unto him as one man, when he shall appeare unto them as the fountaine from whence all good floweth unto them. Neither (wee are confident) when they see the present distractions and dangers still growing upon them from the same evill counsels from whence they did alwayes arise, and when they shall feele the miseries and burthens multiplied upon them from the same hands that have alwayes laid upon them, and when they shall heare that some of the authors of the secret plots and conspiracies against the Parliament, are now preparing by open force and warre to destroy it, will they be satisfied with being told that calamities proceed from an arbitrary government which no man fees, from tumults which no man feares, and from treasons which no man understands, and not rather from evill Counsellors which no man needs name, from plots and conspiracies which no man can deny, and from feares and jealousies which no man can be free from, and we are well content that it should be left to the conscience, reason, affection, and serious consideration of all his Majesties good subjects, whether they that have beene at so great charge, taking such incessant paines, exposed themselves to so many perils and hazards to procure them so many acts of Justice, and so many good Lawes as they have obtained for them this Parliament, or they that so furiously carry on the preparations of a civill warre against the Parliament and Kingdome bee the more like to ruine them.

For his Majesties absenting himself from his Parliament, and refusing to let the Magazine be removed from *Hull* upon the desire of both Houses of Parliament, they that can beleieve that the Papiests both in *England* and *Ireland* doe not make advantage of his Majesties absence from his Parliament, and the distractions that ensue thereupon, and that Papiests and ill affected persons both at home and from abroad might not have taken advantage by the Magazine at *Hull*, may haply be induced to beleieve that Sir *John Hotham* denied his Majesties entrance into *Hull* out of disaffection or disloyalty to his Majesty, and that the Houses of Parliament intend to make some private advantage of that Towne or Magazine.

For the Message of the 20. of January, wee were not ignorant of the breach of privilege in the way and manner that it came to us from the beginning, and the reason why we were content to passe it over in silence, we have already given, but the prescribing of a method to both or either House of Parliament by his Ma: for the time and maner of their proceedings, especially in matters of mony, is so knowne a breach of privilege of Parliament, and hath so often been remonstrated to be so in former Parliaments, that we are confident the framers of that Declaration would never have affirmed the contrary: But that they beleieve the people (unto whom these Declarations seeme especially to be directed) did not understand it so well as every man else doth, that knoweth any thing of the proceedings of Parliament.

For the instances that we gave of an inclination in some about his Majesty to a Civill war, we are contented they should be examined againe, and compared with other

other more evident Symptomes thereof, that have and doe daily discover themselves in that behalfe; Was not his Majesties going to the House of Commons in that manner that he did, the seed of all our late distractions, and evidently tending to the interruption of the peace of the Kingdome? And for the appearance in a warlike manner at *Kingstone upon Thames*; Its true we finde in a Declaration under his Majesties name, *That the Lord Digby went with a Coach and six horses to visit some Officers there*, but we heare nothing of Waggon loaden with Pistols, Carbines, and Ammunition, nor of great Horses armed with Pistols; nor that those Officers, together with other Souldiers and Cavalliers, were some hundreds, nor that they were listed and taken into pay, and an invitation made to such Gentlemen as would mount and maintaine themselves for a month, that afterwards they should be taken into pay, and be of his Majesties Guard for their lives; Nor of the unruly carriage of that Company assembled there, discharging their Pistols, and threatning the inhabitants, that they would have the heads of some of them within foure dayes, to the great terror and amazement of the poore people: If all this will not amount to a warlike appearance and preparation, we leave it to every man to judge: And we doe grant that our appearance at *Kingstone upon Hull* was very different from it, because it was upon very different grounds, and to better ends and purposes.

What is meant by the drawing of swords at *Torke*, and demanding who would be for the King; If it be knowne to few in *Torke*, it is unknowne to few in *Yorkshire*; And if inquiry be made concerning it at *London*, there will be found both eye and eare witnesses of the truth of it: For his Majesties going to *Hull* (which no man can ever beleve to have been intended onely for a visit) whether it were to prevent a *Civill War*, is very obvious to any that will consider the effects, that have and were always likely to have entred thereupon, and how little necessity there was of his Majesties going thither when he did, more then when he came first to *Torke*, and for the declaring of Sir *John Hotham* a Traytor, before the Message sent to the Parliament (under whose name, and by whose authority Sir *John Hotham* avowed his actions) and the making of propositions to the Gentry of *Yorkshire*, to assist his Majesty in a way of force against him, before any answer was, or could be received from the Parliament; we leave it to every man to judge, whether notwithstanding all that is alledged in that Declaration, it were not a very dangerous violation of the Subjects Liberty, and the sounding of a Trumpet to war, whilst the matter was in a way of Justice, and to anticipate and prevent a faire and judicciall proceeding therein; and because the not giving of satisfaction to his Majesty against Sir *John Hotham* is alledged as a sufficient cause for his Majesty to stop all the Summons of Parliament, and so to damme up the course of Justice at the fountaine, we desire every man to consider of what consequence this would be, if his Majesty should doe the like to all Courts of Justice (as he might as well and better) and so stop the whole course of Justice, because those that are Judges, will not make themselves onely executioners at his command: for if his Majesty sent to his high Court of Parliament to demand justice as from Judges, why did he not rest satisfied in their judgement, from whence there is no appeale, & if he sent to them onely as Executioners, is it reason that any Court, but especially the highest Court of Justice, should have a hand to strike, and not withall an eye to see? But if these may seeme weake symptomes of an intention in some about his Majesty to raise a combustion within this Kingdome, because they tooke not effect, and that so many came not to their Lure, as was expected, are there not now strange and cleare tokens of it, running still in the same veine, and rising from the same fountaine of the same evill Counsels? Is there not a cleare intention, if not an actual

actual beginning to make war against the Parliament? What means then the often summoning and calling together the Gentry and Inhabitants of the Countie of York: they that doe believe his Majesties journey to Hull was onely to make a visit of the Town and Fort, may happily be perswaded, that when all these people were gathered together at Heworth-moore, the third of June, it was not to make any proposition unto them (had they been disposed as was expected) but onely to ride about them to take a view of them and to heare them shout: And if there be no intention of War against the Parl. what meanes those troopes of Horse and Foot, lately raised at York, and what such preparations of Armes and Moneyes going to York, and what meanes the endeavours of leavying of Horses in divers places, under pretence of his Majesties service, & with great promise of large pay, and some by colour of true or fained Letters from his Majesty for that purpose. And all this before any preparation, made by us, of Horse, Money, or Plate, for our own defence. *But we are mistaken all this is onely for a Guard to His Majesties Person.* And did his Majesty stand more in need of a Guard when he first raised those forces than when he came first to Yorke? Did not his Majesty when hee first proposed the raising of this Guard to the Gentlemen of Yorkeshire, the 13. May, and required their assistance, therein expresse to them what he meant by the safety of his Person, that is recovery of His Magazine taken from him (as is said) by the Parliament, the making void the Ordinance of the *Militia* established by the Parliament, the punishment of Sir John Hotham as a Traytor, for what he had done by order of Parliament, and the protecting of them, and the Laws, and the true Protestant Profession from affronts and injuries, and all this to be done by a Guard for His Majesties Person? Is the making voyd of the Iudgements and Acts of both Houses of Parliament by force, the Guarding of His Majesties Person? Is the sheltering of Delinquents from the Summons and Iustice of Parliament by meanes of this force, (a cleare Invasion of their power and knowne Priviledges) a Guarding onely of His Majesties Person? Doth not his Majesty in his Letter to the Major, Aldermen and Sheriffes of London of the 14 of June, say that we will raise force for the Protecting of the Law? and doth he not continually declare that by the protection of the Law His Majesty meaneth the making void of the Ordinance for the *Militia*? which is by force of Armes to make himself Iudge in his own case and in his own Person, against the Iudgement of the highest Court; can any man believe that His Majesty charging both Houses with countenancing of Treason, and a Rebellion within 20 miles of Him, and for endeavoring to overthrow the Government of the Kingdom, and under pretence of a Trust from the Kingdom, to designe from ruine not onely of His Person, but of Monarchy it self? Can (or had he reason of these things were true) to intend any thing else by these preparations, but the destruction of such persons as His Majesty so openly charged with Rebellion and Treason against himself and the whole Kingdom? or can any man beleieve that the preparations at Amsterdam in Holland, of so many thousand Pistols and Carabines, and so many thousand great Saddles, and so many Canons and of Morters for Granados, and of so much Powder and other warlike provisions (bought, as we are informed, with moneys raised upon the credits of the Jewels of the Crown, pawned or sold to that purpose) were onely intended as a Guard for His Majesties Person? But now since some of the warlike provisions are arrived from beyond the Seas (which were long before preparing) and since his Majesty hath besieged the Town of Hull, it appeares what were his intentions from the beginning, when he first raised Forces under a colour of a Guard for his Person, and now at length in his late Proclamation hee hath proclaimed War against Sir John Hotham, and all that adhere to him, that is the Parliament: And let all the world judge if it be not high time for us to think of some meanes for our defence.

For the businesse of Hull which is said to stick with us, it sticked faster upon those that were advisers of his Majesty to that journey, whereby they have blown a coale which is like to kindle a flame, that threatens with a generall combustion. And as to the question concerning the Earle of New-castel, we answered it indeed by a Question, Which whether it have received a full Answer or no, wee leave it to every man to judge, but for that which is called, an Imputation cast upon the Earle, and insinuated to be a vile assertion continued by unknown hands and upon unknown and unimaginable grounds. The hands we had it from, were none but such as attested their hands with their Oaths, and we never knew that depositions upon Oaths, were esteemed unknown or unimaginable grounds before: But whether the Accusation of the 6 Members of Parliament were not contrived by unknown and unimaginable grounds, let every man judge.

Whereas it is objected against us, That we have received Petitions against things that are established by Law, and that we have allowed those Petitions to carry the desires of Cities, Towns and Counties, when of either City, Town or County very few known or considerable persons have been privy to such Petitions. We acknowledge that we have received Petitions for the removeall of things established by Law, and we must say, and all that know what belongeth to the course and practice of Parliament, will say, that we ought so to do, and that both our predecessors and his Majesties Ancestors have constantly done it, there being no other place wherein Laws that by experience may be found grievous and burthensome can be altered or repealed, and there being no other due and legall way, wherein they which are agrieved by them, can seek redresse: And for the stile of such Petitions as have been received by us, We never allow them any higher stile then they brought unto us; Nor did ever make them seem to carry the desires of more then of those whole desires they did appeare to be, nor did they ever appeare to carry the desires of Cities, Towns or Countries, but they were alwayes attested by great numbers of hands, and amongst them of persons considerable, not a few. And for the petition of the Gentlemen of Yorkshire, for the continuance of the Magazin of Hull, whether by the stile of (The humble Petition of the Gentry & Commons of the County of Yorke) they meant onely some of them, we know not, but under that stile it to us from very many & very good hands.

The sooner His Majesties good Subjects understand What is it meant by his Majesties authority signified by both Houses of Parl. and by his other Courts of Justice: the sooner they will understand how little is meant by his Majesties authority, signified privately under his hand or by his Proclamation, when they are contrary to Law and Common right, as they alwayes are when they are against the legall proceedings or Judgements of any Court (much more of the high Court, and by expresse statutes are declared to be of no Authority) And that such Courts and other officers of Justice must proceede to do right, not withstanding any such signification under the privy Signet or under the great seale it selfe; and it is high time now for the whole Kingdome to understand that his Majesties Authority is more in his Courts without his person, than in his person without his Courts, when the power of declaring the Law shall be denied to the high Court of Parliament, in particular causes before them (for we have claimed it, we have exercised it no otherwise to be obligatory, as a Judicall Declaration of the Law) and shall be attributed to his Majesty to do it ingenerall by his Proclamations, without relation to a particular case and making his interpretation of the Law to bee a rule in all Cases, as in divers Proclamations he hath done.

But how doth the world now see in what miserable case his Majesty would have bene in if he had passed our Bill concerning the Militia, and that we would have raised all the Armes of the Kingdome to have beaten him from Yorke, and pursued him out of the Kingdome, as we have

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have kept him out of Hul: Doth not all the World see rather that if his Majesty had passed the Bill concerning the *Militia*, his Majesty had beene at London by this time, consenting and agreeing with his Parl. to the generall contentment of all his people, and happinesse of all his Kingdomes. But although the contrivers of that Declaration have no better opinion of the representative body of the whole Kingdome, than they use to expresse, wee wonder they expresse no better an opinion of the whole Kingdome (in which they seeme to place so great confidence) than to thinke they would have followed us in any act of disloyalty against his Majesty. If we should have beene so wicked as to have lead them on to do it: Have we not better grounds to beleieve that if wee had let alone the Illegal Commissions of Lieutenantie, or should submit to the more Illegal and enslaving Commission of Array, those evil Councillors would have by this time, or would not belonger ere they had beaten us out of the Houses of Parl. by force, as they perswaded his Majesty to come into the House of Commons by force to take away the members thereof, Causelessly and groundlessly accused of Treason: and why must it be thought that we wil imploy his Majesties Magazine (which they will needes have to be taken from him) against him, because we did not thinke it safe at that time to be employed at Hul without his Majesties Authority signified by both Houses of Parliament? May we not upon as good grounds suppose that the Malignant party, the evil Councillors would needes keepe it at Hull, against the desire of both Houses of Parl. that they might imploy it not against both houses of Parl. but against a Faction called both houses of Parl. as they suggest unto his Majesty, that we are like to imploy it against him, not against his Authority, and to kill the evil Councillors, the Malignant Party about his Majesty? May we not with better reason declare, that if it were employed to kill those evil Councillors, that malignant party about his Majesty; It would bee for his Majesties good, & the publique good, than they may perswade his Majesty; *That if it were employed to destroy both Houses of Parliament, it would be for the good of King & Kingdome, in delivering them from the Faction and Arbitrary government of a Parliament.*

*But we have made an interpretation of the Statute of the 25. Ed. 3. that would leave the King of England absolutely lesse provided for then the meanest Subject in the Kingdome? Haw doth that appeare? Because, We say tis treason to destroy the Kingdome of England, as well as the King of England; and because we say that the King of England hath not a power to destroy the Lanes and people of England, and what is that interpretation of that Statute, that no learned Lawyer will set his hand to? that Treason may be committed against the Kings Authority, though not directed against his person. Doe there want presidents or Booke Cases to make this good, or is it not that they cannot see woode for trees, that looke after presidents to prove this, which at length is acknowledged in his Majesties Proclamation of the 18. of June? Is it then that interpretation of the Statute, that the raising of force in the maintenance of his Majesties authority, and of the Lawes against those that would destroy both it and them is no Treason, though such Acts of traitors and Rebels should be in pursuance of his Majesties personal commands & accompanied with his presence; and have we cited no presidents to that purpose? What are these then of *Alexander Arch-Bishop of Yorke, Robert de Leere Duke of Ireland,* and the rest in the time of R. 2. which we caused to be published; whose leavying of Forces against the authority of the Parl. and to put to death divers principal members of both Houses, by the Kings expresse command, which he promised to accompany with his presence, was by two acts of Parliament judged treason, and the Act of such leavied forces to suppress them, was judged good service to the Common-wealth: These Presidents are said to be grounded upon repealed Statutes; and we have indeede heard it said so twice, but we never heard the Statute that repealed them cited once, & whether the*

and by their Protestation they are bound to defend. Whereas that which we affirmed to be a Priviledg of Parliament, is so cleare and essentiall a priviledg of Parliament that the whole freedom thereof dependeth upon it; For who sees not that by this meanes, under false pretences of crimes and accusations, such and so many Members of either House of Parliament may be taken out of it, at any time by any persons to serve a turne, & to make a major part of whom they will at pleasure, And as the grand Inquest of the whole Kingdom, should be (by this meanes) subject to the grand Inquest of one particular County; So the whole representative Body of the kingdom, should be at the devotion of a Middelsex Jury; And therefore as the freedom of Parl. dependeth in a great part upon this Priviledge, and the freedom of Parliaments: We have good reason to beleeve, that the people of England knowing their lives and fortunes are bound up in this bundle, will venture their lives and fortunes in this quarrell. For the Stat. of 11. yeares of H. 7. (to omit what we are said to declare, concerning the meannesse of his Majesties Person, and the mistakes in the understanding of the Stat. of 25. E. 3. which we have already sufficiently answered) we are told, that we proceed in the Spirit of declaring to certifie his Majesties good Subjects, in the mistaking which neare 150. yeares, hath been received concerning that Stat. And what is the deep & ancient sence of that St. that we had so much need of the Spirit of Revelation to discover the mistakings in it? That who shall serve the King in his warres in any case whatsoever, though it be to overthrow Religion, Laws, Liberties; & though it were to do whatsoever Acts of barbarous Cruelties have bin done by the Rebels in Ireland or what else soever can be imagined more horrid inhumane (for there is no case exempted) by vertue of this St. he shall be free from all punishment: And this is the opinion that is said to be received concerning it for 150 yeares together. Certainly we have need of a great deale of faith to beleeve it, and to our Spirit of declaring, a large Spirit also of suffering and slavery to submit unto it. And what was our interpretation of that Statute? We say (That by serving of the King for the time being, was not meant of a Perkin Warbeck, or any that should call himself King, but such a one as was received for such by the Kingdome: the Act whereof cannot be clearly discerned but in Parl. (if there should be any question concerning it) and can any man think that H. 7. did mean that whosoever did follow Perkin Warbeck should be free from all crime & penalty? or need any man to have asked the question, whether His Majesty were not allowed & received by the Kingdom? They that ask such a question are more to blame then they that would not affirme it, least it should be thought to need an affirmation, it being a thing so notorious, that both in himself & in his Ancestors he is & ought so to be received & allowed And God be thanked, the case is not now as it was at that time when the Stat. was made to secure the Subjects from that continuall danger they were exposed unto, in respect of the different titles of York & Lancaster, the one prevailing onewhile, and the other another time, and therefore by this Stat. it was provided, That whosoever should serve the King for the time being (what ever his title may prove) should be free from all crime and penalty whatsoever, then the Parl. had at that time received in the behalf of the Kingdom, he must undoubtedly have bin accounted the King for the time being, and consequently the people secured in following him, though another and happily a better title had been set up against him (as if there had been a true Duke of York living, a better might have been set up against him, H. 7. then his own) we say then, as we said before if it be against reason and conscience that men should suffer that guide themselves by the judgement of the highest Court, which is also the representative body of the whole Kingdom; and if by this Stat. the Parl. is made Judge in the Question who is King, much more are they to be Judge in the Question what is the best service of the King and Kingdom, and they ought to be free from all crime and punishment that follow the judgement thereof upon the very grounds and reasons of this Stat. which we do agree, That His Maj. good Subjects may read with comfort because it layes down a ground vvhich delivers them from uncertainty in their obedience in the difficult and highest Cases whatsoever As for that which is said concerning a dark mist of words and urging over old Priviledges. We confesse we are left in a dark mist, for wee understand not vvhich it means.

To the Doctrines and Positions that are said to be contained in our Declaration, we answer to the first,

That we did and doe say, that every Court of Iustice, and much more the high Court of Par l. hath a power of iurisdiction, which in plain English is of declaring the Law in particular Cases in question before them, and that which is so declared by the high Court of Parliament, being the highest Court of iudicature, ought not afterwards to be questioned by His Majesty, or any of his Subjects; for that there lyeth no appeale from them to any person or Court whatsoever, so that the right and safety both of King and People shall depend upon the Law, and the Law for its interpretation upon the Courts of Iustice, which are the competent Iudges thereof, and not upon the pleasure and interpretation of private persons, or of publique in a private capacity.

To the second we answer,

That we did and doe say, that some Presidents ought not to be rules, and no Presidents can be bounds to the proceedings of a Parliament, because some are such as ought not to be followed, and all may fall short, and be different from the present case and condition of things; And if this were not a truth, in stead of doing what we please, we should be obliged to do whatsoever our Ancestors pleased to doe, whether they did well or ill; And how different or unlike soever, their case and condition should be to ours.

To the third we answer,

That we did and doe say, That a Parliament may dispose of any thing wherein the King or any Subject hath a right, in such a way as that the Kingdome may not be in danger thereby; And that if the King being humbly sought unto by his Parliament, shall refuse to joyne with them in such Cases, the representative Body of the Kingdome is not to sit still, and see the Kingdome perish before their eyes, and of this danger they are Iudges, and Iudges superiour to all others, that legally have any power of iudicature within this Kingdome; And for the consequence that is here inferred, we acknowledge it not, it is none of ours, neither did we speak any thing of the major part of both Houses at any times present, or by any wayes and means procured so to be, nor yet of the Members of both Houses absent, or by any waies and means procured so to be, though we had reason enough so to have done.

To the fourth we answer,

We did not say, that no Member of either House ought to meddle withall for Treason, Felony, or any other crime, without the cause first brought before them, that they may judge of the fact, and their leave obtained to proceed; but we did, and do say, that no member of either House ought to be declared or adjudged a Traitor, or proceeded against in any other Court or way then in Parliament, wherein he may be taken or detained from the service of Parliament, or the Par l. deprived of a member without their consent, but that he may be arrested in such cases, or detained in ordine to his appearance before the Parliament; and to the intent that he may be brought with his cause before the Par l. we did not, nor cannot deny.

To the fift we answer,

We did, and doe say, That the Sovereaign power doth reside in the King, and both Houses of Par l. and that his Majesties negative voice doth not import a liberty, for his Majesty to deny any thing as he pleaseth, though never so requisite and necessary for the Kingdome, and yet we did not, nor do say, that such Bills as his Majesty is bound, both in Conscience and Iustice to passe, shall notwithstanding be Law without his consent, so far are we from taking away his negative Voice.

To the sixt we answer,

We did and doe say, That the levying of Forces against the personall commands of the King, (though

(though accompanied with his presence) and not against his Laws and Authority, but the maintenance thereof, is not levying war against the King, but the levying war against his Laws and Authority, though not against his Person, is levying war against the King. And we beleve no learned Lanyer will set his hand to the contrary, nor need any man to be learned in the Laws to understand that Treason is not committed against the Kings Person, as he is a man, but as he is a King, and as his Person hath relation to his Office, who knows not that it is no Treason to steale the Kings Horse, nor to make an entry, or commit a Riot upon his Land, but to faigne (which is to steale) his Signet or great Seale (because of the relation it hath to his Office) or to invade any part of the Kingdome, as it is part of his Dominions, is Treason. And as Treason is not against the Kings Person, as it is void of all relation to his Office and Trust, so much lesse as it stands in a relation opposite and contrarie thereunto; and therefore, as it hath relation to his Trust, so also to the discharge of that Trust, that being the Cause, and indeed the onely Cause why the Law hath provided more for the protection of his Person, then of any other, because it hath placed in his Person a power to protect all other persons, and yet we did not say, or meane that no Treason can be committed against the King, but when he is in the actuell discharge of his trust, no, nor when he is in the actuell violation of his trust, because the Act may either in the manner or in the measure exceed the bounds of a legall and necessary defence and opposition against the violation and breach of Trust, and so fall to be either against the Kings Authority, or against his Person, as it standeth invested with that authority: but if it exceed not these bounds in so far as it is such, it is so far from having any thing of Treason in it, that it hath a great deale of duty and loyalty in it to the King as King, and to the Kingdome, in relation to, and for which he is King; And for the power of judging of the discharge of His Majesties trust, as it hath reference to a question of Treason, to say the Parl. hath power to judge of it, is no more then to say, That it hath power to judge in cases of Treason which inferiour Courts have, and the high Court of Parliament, as well as they in all cases, and in some cases above and beyond them.

To the seventh we answer,

That we neither did it, nor doe say it. We never suffered that word of deposing the King to goe out of our mouthes, nor the thing to enter into our thoughts, nor can it be collected out of any thing that we have said: And now, for the Propositions wherewith we are said to assault his Majesty, and endeavour to devest him of all his Regall Rights and Dignities, we doubt not but that we shall make it appeare to all the world, that what may seeme highest in our Propositions, hath been in effect asked and obtained by our Ancestors before us, and by our neighbours besides us; and that we have more reason to aske it and to obtaine it then either the one or the other, and yet to testifie to all the world, how much we desire peace, and to avoid the miseries and confusion of a civill war, we have not, nor shall insist upon any thing but what we hold necessary for the preservation and safety of the peace of the Kingdome; and for the security of our Religion and Liberties, and those good laws which we already have and hope further to obtaine by the frequent meeting and free sitting of Parliaments: and as we have been carefull to decline all appearance of any private respects in them to our selves, so having the honour of God and of his Majestie, and the peace, freedome and prosperitie of this Kingdome chiefly before our eyes in these our Propositions, and in all our actions, we rest assured that both God and man will abhor and abominate that monstrous and most injurious charge laid upon the representative Body of this whole Kingdome, of designing the ruine, not onely of his Majesties person, but of Monarchie it selfe: and we appeale to all the world, whether worse words then these can be given us, and whether we may not justly expect the worst actions that the malice and power of the malignant party about his Maj: can produce; And whether it be not high time for us to stand upon our defence, which nature teacheth every man to provide

for;

for; and this Kingdom (unlesse it be very unnaturall, and very unmindefull of it selfe) cannot but afford to them whom it hath intrusted, and by whom it is represented; And if the major part of both Houses may sit free from force, we doubt not but that they will not only make it good that they have done themselves and the whole Kingdom right in that their Declaration, and offered no wrong, nor done any prejudice at all to his Majesty, but also be very sensible of the great indignity offered to the representative body of this whole Kingdom by the contrivers of that Answer, and will make such persons (that delight to soule their owne nests, and to cast dirt in the face of the Kingdom) instances of their exemplarie justice, so soon as they shall be discovered, and brand both them and their doctrine (whereof we will give a taste what it is in some particulars) with the marks of their perpetuall scorn and indignation.

This is the doctrine of that Declaration, and these are the Positions of the Contrivers of it,

I. **T**hat the King, when he pleaseth, may declare the major part present of both Houses, a faction of malignant schismaticall and ambitious persons, so that all Parliaments that have been heretofore, and shall be hereafter, and all Laws made in them, may by this means be called in question at pleasure.

2. That his Majesty may declare what is the known law of the Land against the judgment of his highest Court, and consequently against all his Courts, so that the safety and right of King and people, and the Law it selfe, must depend upon his Majesties pleasure.

3. That the Parl. must doe nothing without a president, so the Kingdom must perish if there be not a president for its proper remedy.

4. That the King hath a proprietie in his Towns, Forts and Kingdoms, so he may dispose of them as he pleaseth, and the representative bodie of the whole Kingdom may not intermeddle in the discharge of his Majesties trust, though by the advice of evil Counsellors they see it diverted to the hazard of the publike peace and safety of the kingdom.

5. That his Majestie or any other person may upon suggestions and pretences of Treason, Felonie, or breach of the peace, take the members of Parl. out of either house of Parl. without giving satisfaction to the House whereof they are members, of the ground of such suggestion or accusation, and without & against their consent, so they may dismember a Parl. when they please, and make it what they will, when they will.

6. That whosoever shall follow the King in his wars, be the case what it wil, though it were to destroy Laws, Libertie, Religion it selfe, and the whole Kingdom, yet he shall be free from all crime and punishment by the Stat. of 11 H. 7. and that this hath bin the received sense & interpretation thereof for 150. yeers together; and that on the other side so oppose by force any such force, though in the most legall way, and by authoritie of the representative bodie of the whole kingdom, is to levie war against the King, and treason within the letter of the Statute of 25 Ed. 3. so our Lands, Liberties, Lives, Religion, and Laws themselves (whereby all the Rights both of King and people are due to them, and preserved for them) shall be at the sole wil and pleasure of the Prince.

7. That the representative body of the whole kingdom is a faction of malignant schismaticall and ambitious persons, whose design is, and alwaies hath bin, to alter the whole frame of Government both of Church and State, and to subject both King and people to their own lawlesse arbitrary power and government, and that they designe the ruine of his Majesties person, and of Monarchie it selfe, and consequently that they are Traitors, and all the kingdom with them (for their Act is the Act of the whole kingdom) and whether their punishment and ruine may not also involve the whole kingdom in conclusion, and reduce it into the condition of a conquered Nation, no man can tel, but experience sheweth us, that successe draws men not only beyond their professions, but also many times beyond their first intentions.